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Mitch Myers stated that to his understanding when he had asked for this land to be changed to a mobile home zone that IPP had signed a contract for a mobile home park adjacent to this property, but evidently they did not. He stated that he would like to have it rezoned as multiple housing. Mr. Myers presented a map of the area where he wanted the zone change. He stated that he had a client who would like to build 36 "classy" condominiums.

Steve Pace stated that he felt multiple housing would be the best use for this property.

Council Member Hansen stated that it would be a better tax base for the City.

Mayor Nielson asked if there were any additional comments from the floor. There were no comments.

Mayor Nielson stated that there was no one in attendance at the meeting who opposed the requested zone change.

Councilman Bennett made a MOTION to adjourn and Councilman Bird SECONDED the motion. The motion passed unanimously. The Mayor adjourned the meeting at 7:57 p.m.



Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

REGULAR CITY COUNCIL MEETING HELD AUGUST 1, 1983

PRESENT

Grant Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Willis Morrison

Council Member

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OTHERS PRESENT

Vance Bishop	City Administrator
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Neil Forster	Public Works Superintendent
John Quick	City Engineer
Greg Cooper	City Chief of Police
Ray Valdez	City Inspector
Sherri Terrell	City Secretary
Mitch Myers	
Steve Pace	
Robert Law	
Dick Ross	
JoAnn Ross	
Margene Anderson	
Fred Anderson	
Kenneth Topham	Supt. of Millard School Dist.
Connelly E. Woody	Southland Corp.
Gary L. Nelson	Southland Corp.
Denise Nelson	
Douglas Taylor	Lawrence Const. Co.
Phyllis Munster	
Jim Fletcher	KNAK

Mayor Nielson called the meeting to order at 8:03 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a regular City Council Meeting held July 18, 1983, were presented and corrected by the Council. Councilman Bird made a MOTION to accept the minutes as corrected. Councilman Bennett SECONDED the motion, which passed unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable to the Council Members. Councilman Bird made a MOTION to pay the current bills as corrected. Councilman Dafoe SECONDED the motion, which passed unanimously.

SOUTHLAND CORPORATION: REQUEST FOR CLASS A BEER LICENSE FOR A 7-11 STORE

Mayor Nielson stated that Southland Corporation had asked to postpone their item on the agenda until tonight. The Mayor asked Gary Nelson from Southland Corporation to present his case.

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Mr. Nelson asked the Council if they could define proximity. He stated that the Council had informed him that no Class A License could be issued to a business within proximity of a church or school.

City Attorney Peterson was asked by Mayor Neilson to advise whether the 200 foot standard should apply in this case. He stated that the Police Chief came to the Council in investigation of the beer license application asking for direction on the definition of proximity. The Council had directed him to finish his report and recommendation following the standard adopted in Ordinance 83-61 which states that no Class A license for sale of light beer shall be granted for licensed premises located within 200 feet of any church or school or church grounds or school grounds. The Council had directed that Chief Cooper apply this standard even though that ordinance was not in effect at the time that this beer license was applied for.

Mr. Nelson stated that he was still a little confused as to the definition of proximity. He stated that the beer license was applied for before the ordinance was in effect. He stated that from 7-11's front door to the front door of the Delta Elementary School was more than 200 feet.

In response to another question, City Attorney Peterson stated that the 200 ft. ordinance was not in effect at the time the beer license was applied for. But the state law states that no Class A beer license shall be issued in proximity of a church or school and the governing body granting the license will determine in each case what determines proximity. The Council directed Police Chief Cooper to define proximity as 200 radius feet in this case, he said.

Council Member Hansen made a MOTION to deny the Southland Corporation a Class A Beer License for this Location. The motion died for a lack of a second.

Councilman Bennett stated that he would rather see an active business in this location as opposed to a close gas station.

Mr. Nelson assured the Council that a 7-11 would be good neighbors to the school and church. He stated that they would be willing to put up a fence, and they certainly would not sell beer to minors. He stated that selling beer to minors was grounds for employee dismissal. Mr. Nelson stated that a 7-11 store would contribute an estimated \$30,000.00 a year in taxes.

Council Member Hansen asked Mr. Nelson if the store would sell to elementary students during school hours.

Mr. Nelson guaranteed to the Council that no sales to elementary school students would be conducted during school hours. He stated that if an elementary student were to come in, they would call the principal, their parents, or the City Police Department. He stated that a well maintained fence would prohibit a lot of this.

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Councilman Dafoe asked Mr. Nelson if the license were approved, how long it would be until construction would take place. Mr. Nelson stated that it would be immediately, within 2-3 weeks.

Mayor Nielson asked Mr. Nelson if any local contractors would be considered. Mr. Nelson stated that one out of two General Contractors would probably be selected that usually did their buildings, but the subcontractors would preferably be from this area.

Councilman Bird asked if the City would be liable if the license were granted because of the state law.

City Attorney Peterson pointed out the state law reads that a license shall not be granted within proximity of a church or school. He also discussed civil rights and antitrust considerations that must be considered each time the City Council reviews a business license application.

Mr. Nelson stated that an average customer is in a 7-11 store for 2 minutes and spends \$2.50-\$3.00, so there will be no loitering, and if the problem arises, then the local authorities will be notified and the person or persons will be asked to leave.

Margene Anderson stated that she had 11 children and 4 grandchildren that she wouldn't wish to harm in any way. She stated that if she felt a 7-11 store at this location would be bad for the children, that they would not consider selling the land for this use. She stated that she had a brother in West Valley City that was a father and a school teacher in a school with a 7-11 store adjacent to the school, and there had been no problem in the school or for his children. Mrs. Anderson stated that they needed to sell this property, they were getting desperate, and the next business that may come along may not have the good reputation that 7-11 had.

Councilman Bird made a MOTION to grant Southland Corporation a Class A Beer License, not applying Ordinance 83-61 that defines proximity in this case because of the fact that it was not in effect at the time the Beer License was applied for. The License will be contingent upon the completion of a chain link fence with wooden slats to obstruct vision. Councilman Bennett SECONDED the motion.

Mayor Nielson asked Superintendent Topham for his input. He stated that he should talk to the School Board before making a comment on such a sensitive subject.

The Mayor asked for a roll call vote.

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	No

The Motion passed with the voting of 3 for and 1 against granting the beer license.

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MILLARD COUNTY SCHOOL DISTRICT: REQUEST FOR FINANCIAL ASSISTANCE TO INSTALL STORM DRAIN LINE ALONG 350 EAST AT THE VOCATIONAL SCHOOL AND MIDDLE SCHOOL SITES

Millard County School District Superintendent Ken Topham stated that he didn't feel that it was the School District's sole responsibility to pay for the storm drain line along 350 East near the Vocational School and Middle School sites. He stated that other drain systems hooked into this drain. He stated that he felt the City should help with the financial burden.

Councilman Bird stated that it has been the City policy for the developer to pay for and install improvements. He stated that he didn't see how the City could fund this project, that he would like to help the School District, but there are no funds available.

City Engineer John Quick stated that it could be a possibility to leave the drain under the road as is and let the water back up in basins off of the street. He stated that it would be best to eventually replace the line with large enough pipe to handle the drainage in the future.

City Administrator Bishop recommended the City not pay the entire cost of the drain line under the road. He stated that the school would most benefit from this. The School would use approximately 80% of the drain.

The Council suggested that the School District go to the Drainage District for financial assistance.

Superintendent Topham asked City Engineer for the construction requirements for a road at the Middle School. Mr. Quick stated that 8 inches of base and 3 inches of asphalt are the City's standards; however, depending on the type and amount of fill material used this could be adjusted to 6 inches of base and 2½ inches of asphalt.

CREATION OF POSITION AND REQUEST TO HIRE PARKS & RECREATION SECRETARY

Steve Littlefield, Parks & Recreation Director, presented the job description for a Parks & Recreation Secretary. He stated that the position was budgeted for in the 1983-84 Fiscal Year Budget.

The Council discussed the financial situation, since IPP has not guaranteed the City the salary for this secretary position.

Councilman Dafoe made a MOTION to create this position, but not to hire a secretary until there is funding verification of this position from IPP. Councilman Bennett SECONDED the motion, which passed unanimously.

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CITY BUILDING INSPECTOR: REQUEST FOR SALARY ADJUSTMENT

City Attorney Peterson stated that Mr. Valdez had other commitments and couldn't be here, so he asked Mr. Peterson to read the following suggestions prepared by Mr. Valdez on why he felt he was entitled to a salary adjustment:

Public Safety

1. Department Head.
2. Powers: he shall have the powers of a law enforcement officer.
3. Why am I classified on the same pay scale as a police sergeant?
4. As of February 24, 1981, how many law suits has there been because of the Building Department? [Attorney Peterson stated that he didn't recall any]
5. Why after December of this year will the inspectors position be reduced to part time?
6. Which employee of Delta City has the expertise to replace me?

The Council discussed the salary structure of the City Inspector. They were concerned with the possibility of construction slowing down after the first of the year. Council Member Hansen made MOTION not to change the status for the City Building Inspector. Councilman Dafoe SECONDED the motion, which passed unanimously.

OTHER BUSINESS

Newel Knight reported to the Council the activities of the Hospital Board. He stated that he had talked to Commissioner Styler and asked him if the board has been over to visit the Commissioners. Mr. Knight stated that Commissioner Styler had told him that the board had met with the Commissioners to discuss the possibility of having Itnermountain Health Care take over and build a new hospital, and they have even gone to Salt Lake City without calling an official meeting.

Mr. Knight stated that operating as a Board, this seems unjust. He stated that no meeting has been called to discuss what would happen now that the hospital bond election had failed. He asked the Council what stand the City would like him to take.

Councilman Bird stated that he would like to see the City Representative on the Hospital Board receive public input, so that people could have their opinion known as to what they would like to see be done, such as a wing added to the present facility.

The Council suggested that a Citizens advisory committee would be a good value.

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Mayor Nielson thanked Mr. Knight for his efforts and stated that the City was lucky to have such a good man representing the City on the Hospital Board.

Mr. Knight stated that he would attend any meetings that he heard of whether he was invited or not.

City Attorney Peterson stated that the County had the contract for the Garbage Dump on their agenda for August 2, 1983. He stated that he had requested that the contract be put on the agenda for this Council Meeting, but the agenda was already closed. He asked the Council to review the Contract between Westwood Service and the County as he has redrafted it. He requested that this matter be on next week's agenda.

Councilman Bird stated that the corner of 3rd South and 2nd East, the old Beckstead place, was a great fire hazard. He stated that neighbors had complained and asked that something be done.

City Administrator Bishop stated that the Chief of Police and Fire Chief were responsible for handling these procedures. He stated that he would advise them of this fire hazard.

The Council discussed the possibility of this building being a hazard. City Administrator Bishop stated that he would contact the Inspector so this building could be inspected and condemned if it needed to be.

Councilman Dafoe stated that since the annexation the speed limit signs and City Limit signs need to be moved. He asked what could be done about this. Mayor Nielson stated that the City could write a letter to Mr. Sturzenegger, District Engineer for Department of Transportation. Mayor Nielson stated that he had received a letter from Police Officer Burton that stated the dangers of the present speed limit. The Mayor sent that letter along with one of his own to Mr. Sturzenegger.

Councilman Dafoe suggested the City complete the cleanup project on the Broderick lot.

City Engineer John Quick stated that a Change Order was needed for Phase II Water. The plans inadvertently left out the overhead rail system. This Change Order will cost approximately \$4,000.00. Public Works Superintendent Forster stated that the overhead rail system is a definite necessity, the City would be in real trouble in the future if this was neglected. Councilman Bird made a MOTION to authorize Mayor Nielson to sign the Change Order for the hoist system in Pump House #4. Councilman Dafoe SECONDED the motion, which passed unanimously.

City Engineer John Quick stated that the City had held back \$2,000.00 from Ron Johnson Construction Company on the Phase I Water Project. Mr. Quick stated he had patched Main Street and recommended that he be paid after proof that he had satisfied Ken Mortensen's claim for damages. Councilman

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Bird made a MOTION to pay Ron Johnson Construction Company contingent upon the satisfaction of Ken Mortensen. Councilman Dafoe SECONDED the motion, which passed unanimously.

City Engineer John Quick stated that Ron Johnson Construction Company is completed as far as possible on Phase II of the Water Project. He stated that a fence and site work is all that is left to do. Mr. Quick suggested that the City pay Mr. Johnson the balance due, retaining \$9,000.00 until the entire contract is completed.

Councilman Bird made a MOTION to pay Ron Johnson Construction Company \$21,335.33. Councilman Bennett SECONDED the motion, which passed unanimously.

City Engineer John Quick stated that he had written a letter to Steven L. Weaver containing a final review and punch list to finish up before final payment could be made. Mr. Quick stated that if Mr. Weaver were to receive his 45 days delay time it would still show him 88 days over the allotted time. He stated that the City owes him \$30,080.97 of the original contract, with the delay time of \$200.00 a day (\$17,600.00) the City would owe him \$12,480.97.

City Attorney Peterson recommended the City not waive the liquidated damages fee, even if the City didn't wish for the contractor to pay it.

City Administrator Bishop stated that public Works Superintendent Neil Forster had given him an employee evaluation of Reed Roholt. Neil has recommended to put Mr. Roholt on permanent status with a step grade increase retroactive to July 25th. The Council reviewed and discussed the evaluation. Councilman Bennett made a MOTION to accept Mr. Forster's recommendation to put Reed Roholt on a permanent status with a step grade increase from an 8-A to an 8-B. Councilman Bird SECONDED the motion. The voting went as follows:

Max Bennett	Yes
Don Bird	Yes
Don Dafoe	No
Ruth Hansen	No
Willis Morrison	Absent

Mayor Nielson broke the tie by voting yes. The motion passed with a vote of 3 for and 2 against.

City Administrator Bishop explained a problem in that Delta City and the Airport has not signed a new contract with Chevron Oil for airplane fuel. City Attorney Peterson stated that he would contact Cliff Williams, Chevron Oil Representative, and try to set up a contract.

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Councilman Bird made a MOTION to adjourn the meeting. Councilman Bennett SECONDED the motion, which passed unanimously. Mayor Nielson adjourned the meeting at 11:22 p.m.

Grant S. Nielson
Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 8, 1983

PRESENT

Grant S. Nielson
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Max Bennett

Council Member

OTHERS PRESENT

Vance Bishop
Warren Peterson
Dorothy Jeffery
Neil Forster
John Quick
Sherri Terrell
Dennis Westwood
Greg Nielson
Michelle Nielson
Mike Van
George Van DeVanter
Doyle Bender
Marvin Hartman
Mrs. Marvin Harman
JoAnn Ross
Hyrum Fisher
Oneida Fisher
Al Stang
Jim Fletcher
Don Carleson

City Administrator
City Attorney
City Recorder
Public Works Superintendent
City Engineer
City Secretary